

Attorney Docket No.: **ABLE-0020**
Inventors: **Urbaniak and Barker**
Serial No.: **09/857,097**
Filing Date: **July 27, 2001**
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REMARKS

Claims 1, 2, 4-8, 12, 16 and 19-22 are pending in the instant application. Claims 1, 2, 4-8, 12, 16, 19-21 have been rejected. Claim 22 has been withdrawn by the Examiner as being drawn to a nonelected invention and subsequently canceled without prejudice by Applicants herein. Claims 1, 2, 7, 19 and 20 have been amended. Claim 4 has been canceled. Support for these amendments is provided in the specification at page 7, lines 17-18 and page 26 and in claim 4, now canceled. No new matter is added by this amendment. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Election/Restriction

The Examiner has made final the Restriction Requirement April 7, 2006. Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have canceled without prejudice nonelected claim 22. Applicants reserve the right to file a divisional application to this subject matter.

II. Priority

Applicants will submit a certified copy of GB 9826378.3 in accordance with 35 U.S.C. 119(b) prior to issuance of the instant application.

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III. Objection to Claim 7

Claim 7 has been objected to under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner suggests that the recitation of "epitope or immunoreactive derivative is synthesized" fails to further limit the parent claim because all proteins are "synthesized", whether it be by a natural means within a cell or by extracellular manipulations.

Thus, in accordance with teachings in the specification at page 7, lines 17-18, Applicants have amended claim 7 to state "artificially synthesized".

Withdrawal of this objection is therefore respectfully requested.

IV. Rejection of Claims 1, 2, 4-8, 12, 16, and 19-21 under 35 U.S.C. 112, first paragraph

Claims 1, 2, 4-8, 12, 16 and 19-21 have been rejected under 35 U.S.C. 112, first paragraph, for lack of enablement. The Examiner has acknowledged the specification to be enabling for the prevention, immunosuppression or tolerization of alloimmunization of a subject against a rhesus protein selected from the group consisting of RhD, RhC, Rhc, RhE or Rhe, however, the Examiner suggests that the specification does not provide enablement for the

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prevention, immunosuppression or tolerization of
alloimmunization of a subject against other alloantigens.

Thus, in an earnest effort to advance the prosecution
of this case, Applicants have amended the claims to state a
rhesus protein selected from the group consisting of RhD,
RhC, Rhc, RhE, Rhe and Rh50.

The Examiner has acknowledged the specification to be
enabling for rhesus proteins selected from the group
consisting of RhD, RhC, Rhc, RhE, and Rhe.

With respect to Rh50, Applicants respectfully direct
the Examiner to Table 4 at page 26 of the instant
application wherein enablement for this rhesus protein is
also provided.

Withdrawal of this rejection under 35 U.S.C. 112, first
paragraph, is respectfully requested.

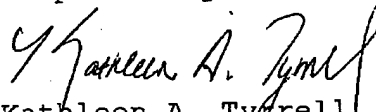
V. Conclusion

Applicants believe that the foregoing comprises a full
and complete response to the Office Action of record.

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Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,


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